

HOUSE BILL NO. 148

INTRODUCED BY H. JACOBSON

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO ELECTRONIC FILING FOR GASOLINE AND SPECIAL FUEL TAXES; EXTENDING THE DUE DATE FOR GASOLINE OR SPECIAL FUEL TAXES PAID BY ELECTRONIC FUNDS TRANSFER; ALLOWING A TAXPAYER TO FILE AN ELECTRONIC CLAIM FOR A REFUND ON FUEL TAXES PAID; AMENDING SECTIONS 15-70-113, 15-70-225, AND 15-70-364, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 15-70-113, MCA, is amended to read:

"15-70-113. Total remittance payable by electronic funds transfer. (1) Total remittance due the state may be paid by electronic funds transfer.

(2) If the payment of total remittance is by electronic funds transfer under this section and the due date falls on a Saturday, Sunday, or legal holiday, the payment must be made on the first business day following the Saturday, Sunday, or legal holiday.

(3) If the payment of the tax due on gasoline or special fuel pursuant to 15-70-205 and 15-70-344 is made by electronic funds transfer, the payment due date is ~~the 28th-30th~~ 5 DAYS AFTER THE 25TH day of each calendar month."

Section 2. Section 15-70-225, MCA, is amended to read:

"15-70-225. Application for refund or credit -- filing -- correction by department. (1) ~~(a) The~~ Except as provided in subsection (1)(b), the application for refund is a signed statement, on a form furnished by the department of transportation. Except for a claim for a credit of taxes paid on unpaid accounts or a claim for a refund filed electronically, the form must be accompanied by the original bulk delivery invoice or invoices issued to the claimant at the time of each purchase and delivery, showing the total amount of gasoline purchased or aviation fuel purchased by a certified scheduled passenger air carrier, the total amount of gasoline or aviation fuel on which a refund is claimed, and the amount of the

1 tax claimed for refund.

2 (b) A claim for a refund that is filed electronically in the manner specified by the department does
3 not require a signature or the original invoices.

4 (c) A claim for a refund that is filed electronically does not relieve the taxpayer of maintaining the
5 records upon which the claim for a refund is based.

6 (2) A claim for a credit for taxes paid on accounts for which the distributor did not receive
7 compensation must be accompanied by documents or copies of documents showing that the accounts
8 were worthless and claimed as bad debts on the distributor's federal income tax return. Any further
9 information pertaining to a claim must be furnished as required by the department.

10 (3) A bulk delivery invoice issued by a dealer for a sale that does not qualify as a bulk delivery
11 under 15-70-201 is not valid for refund purposes.

12 (4) All applications for refunds must be filed with the department within 36 months after the date
13 on which the gasoline or aviation fuel was purchased as shown by invoices or after the date on which the
14 tax was erroneously paid. A distributor may file a claim for refund of taxes erroneously paid or for a credit
15 for taxes paid by the distributor on unpaid accounts within 3 years after the date of payment.

16 (5) If the department finds that the statement contains errors that are not fraudulently inserted,
17 it may correct the statement and approve it as corrected or the department may require the claimant to
18 file an amended statement."

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20 **Section 3.** Section 15-70-364, MCA, is amended to read:

21 **"15-70-364. Application for refund or credit -- filing -- correction by department.** (1) (a) The
22 Except as provided in subsection (1)(b), the application for a refund must be a signed statement on a form
23 furnished by the department. Except for a claim for a credit for taxes paid on unpaid accounts or taxes
24 paid by the United States government, the state of Montana, any other state, or any county, incorporated
25 city, town, or school district of this state; or except for a claim for a refund filed electronically, the form
26 must be accompanied by the original bulk delivery invoice or invoices issued to the claimant at the time
27 of each purchase and delivery and must show the total amount of special fuel purchased, the total amount
28 of special fuel on which a refund is claimed, and the amount of the tax claimed for refund. A claim for a
29 credit for taxes paid on accounts for which the distributor did not receive compensation must be
30 accompanied by documents or copies of documents showing that the accounts were worthless and

1 claimed as bad debts on the distributor's federal income tax return. Any further information pertaining to
2 a claim must be furnished as required by the department.

3 (b) A claim for a refund that is filed electronically in the manner specified by the department does
4 not require a signature or the original invoices.

5 (c) A claim for a refund that is filed electronically does not relieve the taxpayer of maintaining
6 records upon which the claim for a refund is based.

7 (2) A bulk delivery invoice issued by a dealer for a sale that does not qualify as a bulk delivery,
8 as defined in 15-70-301, is not valid for refund purposes.

9 (3) All applications for refunds must be filed with the department within 36 months after the date
10 on which the special fuel was purchased as shown by invoices or after the date on which the tax was
11 erroneously paid. A distributor may file a claim for refund of taxes erroneously paid or for a credit for taxes
12 paid by the distributor on unpaid accounts within 3 years after the date of payment.

13 (4) If the department finds that the statement contains errors that are not fraudulently inserted,
14 it may correct the statement and approve it as corrected or the department may require the claimant to
15 file an amended statement."

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17 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2001.

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